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**VOTERS' GUIDE**

EXPLAINING PROPOSED AMENDMENTS  
TO THE  
CONSTITUTION  
OF THE  
STATE OF NEW HAMPSHIRE  
NOVEMBER 3, 1992

*none passed*

Edward C. Dupont, Jr.  
President of the Senate

Harold W. Burns  
Speaker of the House

## TO THE VOTERS OF NEW HAMPSHIRE:

At the November 3, 1992 election, your ballot will carry four questions for your consideration. Questions 2, 3 and 4 refer to proposed amendments to the New Hampshire Constitution. If two-thirds of the people who vote on any given question vote YES, then the constitution will be amended as indicated in the question.

Question No. 1 appears on your ballot because of Part II, Article 100 of the Constitution. It instructs the Secretary of State to submit to the voters the question "Shall there be a convention to amend or revise the constitution?" if that question has not been on the ballot in the past 10 years.

The other questions have been proposed by the New Hampshire Legislature which also has authority to consider and recommend changes in your constitution.

This Voters' Guide was prepared at the direction of the President of the Senate and Speaker of the House. The funds to print it were appropriated by the legislature.

The Guide includes each question exactly as it will appear on the ballot and explains the effect of each proposed amendment.

As you will see, the issues are important and deserve your study and your vote.

"Every voter who wishes to vote Yes will make a cross in the square near the word Yes; if he wishes to vote No he will make a cross in the square near the word No. If he makes no cross in either square, his ballot will not be counted as to such questions."

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(Question proposed by the Secretary of State)

**QUESTION NO. 1.** Shall there be a convention to amend or revise the constitution?

Yes ☐  
No ☐

**QUESTION NO. 2.** Are you in favor of amending the constitution to provide that 12-person juries shall be required in capital cases and in cases in which imprisonment may exceed one year; but that, in civil cases and in cases in which imprisonment may be one year or less, a 6-person jury shall be required?

Yes ☐  
No ☐

**QUESTION NO. 3.** Are you in favor of amending the constitution to provide that the legislature may delegate regulatory authority to executive branch officials, but that any proposed rules may be disapproved by the legislature or an appropriate legislative committee, as prescribed by law?

Yes ☐  
No ☐

**QUESTION NO. 4.** Are you in favor of amending the constitution to allow members of a military reserve or national guard unit occasionally called upon to serve in an emergency to hold the office of governor, senator, representative, or executive councilor?

Yes ☐  
No ☐

**QUESTION NO. 1****CALL FOR  
CONVENTION**

1. Shall there be a convention to amend or revise the constitution? Yes ☐ No ☐

**AT THE PRESENT TIME:**

The state constitution may be amended in two ways. The legislature may submit articles to amend the constitution to the people for their approval, or a specially elected constitutional convention may submit articles to the people for their approval. The article which outlines the procedure for amending the constitution (Part II, Article 100) requires a vote by the people at a general election every 10 years on whether or not there shall be a special convention called to amend the constitution.

**IF THE QUESTION IS ADOPTED:**

A constitutional convention will be held at some future date, probably in 1995. Four hundred delegates will be elected at a general election according to districts established for the house of representatives. The last constitutional convention was held in 1984.

*This question is submitted to the voters by the Secretary of State as mandated by Part II, Article 100 of the Constitution of New Hampshire.*

**QUESTION NO. 2****JURY  
SIZE**

2. Are you in favor of amending the constitution to provide that 12-person juries shall be required in capital cases and in cases in which imprisonment may exceed one year; but that, in civil cases and in cases in which imprisonment may be one year or less, a 6-person jury shall be required? Yes ☐ No ☐

**AT THE PRESENT TIME:**

Under Part I, Articles 15 and 20 of the New Hampshire Constitution, as interpreted by the New Hampshire Supreme Court, criminal defendants accused of any crime except violations (petty offenses) and parties to any civil case where the amount in controversy exceeds \$1,500 have the right to a trial before a jury of twelve people.

**IF THE AMENDMENT IS ADOPTED:**

Criminal defendants will be entitled to a 12-person jury in all cases where imprisonment may exceed one year or where the defendant may be punished by death. In all other cases in which a jury trial is authorized, criminal or civil, the jury will be made up of six people.

1991 CACR 11

**QUESTION NO. 3****ADMINISTRATIVE  
RULES**

3. Are you in favor of amending the constitution to provide that the legislature may delegate regulatory authority to executive branch officials, but that any proposed rules may be disapproved by the legislature or an appropriate legislative committee, as prescribed by law?
- Yes ☐  
No ☐

**AT THE PRESENT TIME:**

Under current law, the legislature may pass a law and delegate the regulatory or rule-making authority to administer the law to executive branch officials. The legislature's Administrative Rules Committee reviews proposed rules, but it does not have the power to prevent the enactment of those rules even if it does not approve them.

**IF THE AMENDMENT IS ADOPTED:**

The legislature will continue to be able to delegate its regulatory or rule-making authority to administer laws to executive branch officials. Proposed administrative rules shall not be adopted or become effective, however, if disapproved by the legislature, or an appropriate committee thereof, in such a manner as is prescribed by law.

1991 CACR 12

**QUESTION NO. 4****PUBLIC OFFICE AND  
MILITARY SERVICE**

4. Are you in favor of amending the constitution to allow members of a military reserve or national guard unit occasionally called upon to serve in an emergency to hold the office of governor, senator, representative, or executive councilor?
- Yes ☐  
No ☐

**AT THE PRESENT TIME:**

Under Part II, Article 95 of the constitution, individuals in active military service are prohibited from holding at the same time the office of governor, or having a seat in the senate or house of representatives or council.

**IF THE AMENDMENT IS ADOPTED:**

Members of a military reserve or national guard unit occasionally called upon to serve in an emergency shall be allowed to hold the office of governor or have a seat in the senate, house of representatives or council and shall not be required to resign such office if called up for temporary active military duty.

1991 CACR 7